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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,280	12/06/2000	Kazuo Ebina	P/647-135	9092
32172	7590	04/19/2004	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) 41 ST FL. NEW YORK, NY 10036-2714			TRAN, THIEN D	
			ART UNIT	PAPER NUMBER
			2665	4

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/731,280

Applicant(s)

EBINA ET AL.

Examiner

Thien D Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7,9 and 12 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6, 8, 10, 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baudelot et al (U.S Patent No. 6,104,714).

Regarding claim 1, Baudelot discloses a broadcasting control system having a broadcast bit, col.4 line 19, in an ATM ring network in which a control cell containing control information is transmitted by ATM (Asynchronous Transfer Mode) between a plurality of nodes connected into a ring shape, figure 1, each of the nodes comprising:

receiving means for receiving a free frame for access (control cell) from a ring server (upstream node), col.13 lines 35-45;

and transmitting means for writing VP/VC personal identification number (response information of the self node) for the control information contained in the received control cell.

See col.13 lines 55-65, figure 3.

Baudelot does not disclose that the control information contained in the received control cell is in an area corresponding to the self-node in the control cell. However, Baudelot discloses that information of different stations (nodes) is assigned to different time slots in the data cell.

Therefore, it would have been obvious to one having ordinary skill in the art to replace the arrangement of information in the control cell with the arrangement of information in the data cell so that one cell can be used to write information for many nodes and utilized bandwidth of the ring more efficient.

Regarding claims 4, 12, Baudelot discloses a system, wherein a value of a virtual path identifier is preset for each node before the connection, col.13 lines 35-40.

Regarding claim 5, Baudelot discloses a system, wherein in a control information transmission source node, said transmitting means transmits the control cell containing control information to the nodes such as action and access nodes, except the transmission source node by broadcasting, col.8 lines 10-25, col.14 lines 20-25.

Regarding claim 7, Baudelot discloses a broadcasting control system, col.4 line 19, in an ATM ring network in which a control cell containing control information is transmitted by ATM (Asynchronous Transfer Mode) between plurality of nodes connected into a ring shape, figure 1,

each of the nodes comprising:

receiving means for receiving a control cell containing control information from an upstream node, the control cell having an action field (first area) where the control information is written before transmission of the control cell, figure 1c, and a plurality of parameters field (second areas), col.4 lines 25-40; and

transmitting means for writing, in the second area, response information of the self node for the control information in the first area, and transmitting the control cell containing the control information and the pieces of response information of the respective nodes to a downstream node. See col.15 lines 35-45.

Baudelot does not disclose that the control information contained in the received control cell is in an area corresponding to the self-node in the control cell. However, Baudelot discloses that information of different stations (nodes) is assigned to different time slots in the data cell. Therefore, it would have been obvious to one having ordinary skill in the art to replace the arrangement of information in the control cell with the arrangement of information in the data cell so that one cell can be used to write information for many nodes and utilized bandwidth of the ring more efficient.

Regarding claim 9, Baudelot discloses a broadcasting control method in an ATM ring network in which a control cell containing control information is transmitted by ATM (Asynchronous Transfer Mode) between a plurality of nodes connected into a ring shape, figure 1, comprising the steps of:

transmitting a control cell from a control information transmission server or station 101 (source node) to the remaining node 102 and so on, except the transmission source node, col.13 lines 60-65; and

in each of the nodes except the transmission source node, writing response information of the self node for the control information contained in the received control cell. See col.13 lines 55-65, figure 3.

Baudelot does not disclose that the control information contained in the received control cell is in an area corresponding to the self-node in the control cell. However, Baudelot discloses that information of different stations (nodes) is assigned to different time slots in the data cell. Therefore, it would have been obvious to one having ordinary skill in the art to replace the arrangement of information in the control cell with the arrangement of information in the data cell

so that one cell can be used to write information for many nodes and utilized bandwidth of the ring more efficient.

***Allowable Subject Matter***


3. Claims 2, 3, 6, 8, 10, 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



STEVEN H.D NGUYEN  
PRIMARY EXAMINER